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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,149	02/11/2002	Gunter Zwarg	WOI0224	8476

7590                    03/20/2003

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[REDACTED] EXAMINER

NGUYEN, TRAN N

[REDACTED] ART UNIT      [REDACTED] PAPER NUMBER

2834

DATE MAILED: 03/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/009,149	ZWARG ET AL.
	<b>Examiner</b> Tran N. Nguyen	<b>Art Unit</b> 2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-8, 13, 16 and 20 is/are rejected.  
 7) Claim(s) 10-12, 14, 15 and 17-19 is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.  
 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.  
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
     a) The translation of the foreign language provisional application has been received.  
 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.      4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### *Specification*

1. The disclosure is objected to because of the following informalities:

The applicant is request to amend the application format to comply with the USPTO standard format.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A “Sequence Listing” is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required “Sequence Listing” is not submitted as an electronic document on compact disc).

Appropriate correction is required.

#### *Claim Objections*

**Claim 20** objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous **claim 7**. Claim 20 recites the same limitations as in claim 7, from which claim 20 directly depends.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

#### *Claim Rejections - 35 USC § 112*

**Claims 1-20** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**In claims 1-20**, the following terms lacks antecedent basis: “the immediate proximity”, “the inlet opening” (in claim 3), “the front edge”, “the rear edge”, “the distance”. The applicant is requested to clearly establish antecedent basis for the recited subject matter in all the claims.

**Among claims 1-20**, the term “which”, “it” and “its” do not clearly set reference for the intended referred subject matter. The applicant is requested to replace the these terms with clearly established-antecedent-basis subject matter.

**In claim 2**, “the dust collecting head comprises an inlet opening (7, 17, 25, 53) which as seen in rotation direction of the slip ring (1, 11, 23, 52) is arranged immediately behind the brush

holder" is unclear, the claimed should be amended to be "the dust collecting head comprises an inlet opening is arranged immediately behind the brush holder in a direction of rotation of the slip ring"

**In claims 5 and 13-15,** "the distance between the slip ring and the--as seen in rotation direction of the slip ring--front edge of the dust collecting head is greater than the distance between the slip ring and the rear edge of the dust collecting head" is unclear. The recitation should be changed to "*a distance between the slip ring and a front edge of the dust collecting head is greater than a distance between the slip ring and a rear edge of the dust collecting head, wherein the front edge and the rear edge of the dust collecting head are respectively located with respect to a direction of rotation of the slip ring.*"

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 3 and 9** are rejected under 35 U.S.C. 102(b) as being fully anticipated by Kurt (US 4410821).

Kurt discloses an electric machine comprising a slip ring (3-5); a brush holder with brushes (27); a brush dust collecting device assembly (10-12), which comprises a dust collecting head (12)

which is arranged in the immediate proximity of the slip ring; wherein the dust collecting head (12) comprises a mean (10) guiding the brush dust to an inlet opening (12A) of the dust collecting head (12), wherein the slip ring rotates with the shaft in a vertical axis of rotation.

3. **Claims 1 and 4** are rejected under 35 U.S.C. 102(b) as being fully anticipated by Spirk (US 4621211).

Spirk discloses an electric machine comprising a slip ring; a brush holder with brushes; a brush dust collecting device assembly which comprises a dust collecting head which is arranged in the immediate proximity of the slip ring, wherein the brush holder and the dust collecting device form a compact unit (figs 1-2).

4. **Claims 1-2, 5-8, 13, 16 and 20** are rejected under 35 U.S.C. 102(b) as being fully anticipated by Hirota Hajime (JP abstract 56-103951).

Hirota discloses an electric machine comprising a slip ring (5); a brush holder with brushes (2-3); a brush dust collecting device assembly (6, 8-9, 14-15) which comprises a dust collecting head which is arranged in the immediate proximity of the slip ring; as shown in the figure, the dust collecting head is configured with an inclined angle with respect to the rotation direction; therefore, the distance between the slip ring and the dust collecting head's front edge--as seen in rotation direction of the slip ring (23, 52)--of the dust collecting head is greater than the distance

Between the slip ring and the rear edge thereof. The brush dust collecting device comprises a collecting container (8) for brush dust and that the dust collecting head (42) has an outlet opening and an outlet opening which respectively are connected through a pipe with the collecting container (8), the dust is collected therein by a suction fan (9); the brush dust collecting device further comprises a filter which is suited to retain brush dust in the collecting container (8).

***Allowable Subject Matter***

**Claims 10-11, 12, 14-15, 17-19** would be allowable if rewritten to overcome any of the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Communication***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran N Nguyen whose telephone number is (703) 308-1639. The examiner can normally be reached on M-F 6:00AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703)-308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3431 for regular communications and (703)-395-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1782.



TRAN NGUYEN

PRIMARY PATENT EXAMINER

TC-2800